

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PA.

3-09-06

COREY HARRIS, et al, PROSE
PLAINTIFFS

C.A. NO. 04-281-ERIE
District J. McLaughlin
Magistrate J. Baxter

VS.

GREATER ERIE COMMUNITY
ACTION COMMITTEE, et al.
DEFENDANTS.

U.S. DISTRICT COURT
CLERK

06 MAR -9 49:37

FILED

" MOTION TO OBJECT "

Plaintiff Corey Harris files the Within motion to object to the honorable Court Magistrate J. Report AND Recommendation to Grant the defendants motion Documents Number #43, 45, 47. Which Also Support the Plaintiff motion to Amend Documents Number #40 and 51 As being denied by the report IN Support of Plaintiff Objection As follows:

1) the Court used it's Authority As a Presumption of evidence and failed in Support the matters at hand As family Business development of Corey Harris Project 2000 implication from 2002 by the defendants, et al, base on the evidence at hand see Plaintiff Exhibit's 43, 44, 45 and Now 50. As well As Plaintiff Amend Document 40, 51 Allegment 12, 13, 14, 19A, 19B, 20. etc. Should be Granted by the Court.

Pursued by a straight forward analysis informed by a Separation of Power analysis but not governed by it's Jurisdiction base on the court report and recommendation. base on the Radius of the defendants Federal Grants to Service the Public Citizen of Erie County PA, the Program of Job Access Vs. the Program of Corey Harris CH's Service Provider with Children See case, Public Citizen V. U.S. Department of Justice, 491 U.S. 440, 467 (1989) by on the Court imported take on Clause obligating the Court to Concurred the Jurisdiction of this Case 04-281-E to See the faithful execution of the Law. the Standing Analysis for a Rand R decisions to provide the Plaintiff with their Judicial review and the hydraulic Pressure inherent within each of the Separate branches to exceed of outer limits of its power See case, Northern pipeline Construction Co. V. Macathon pipeline Co. 458 U.S. 50 64-66 (1982) and the opinion in Thomas V. Union Carbide Agric Products Co. 473 U.S. 568, 587, 589-93 (1985) this Analysis in Plaintiff Case 04-281-E In challenging the alleged Infringement on the defendant, et al, Program Job Access, See Case United States V. Nixon, 418 U.S. 683, 713 (1974)

Infringement on presidential power is the same as to defendants Gecac, et al, the issue in either report of the Courts R and R was whether the Jurisdiction or Judicial Power of the United States could be conferred on an Entity not an Article 3 Court quoting Thomas V. Union Carbide Agric Products Co. 473 U.S. 568, 587 (1985) I.d. 851 I.d. 856.

base on the Plaintiff independant regulation of his family own Business as owner whom Seeking Commission base of the Program of Job Access which bankruptcy Court in Northern pipeline was either an Article 1 Court or an adjunct to an Article 3 Court the characterization of the Court made nothing of the difference at the issue in either of the Court report and recommendation On this case 04-281-E whether the power of the U.S. Court could be conferred on an Entity not an Article 3 base on other Article Jurisdiction Power See, Ronald Steele affidavit on Non-Profit Corp. independent board of Directors. Judicial Process when requisite of due process 14th Amend. as for Plaintiff due process claim on his Amend motion to dismiss the due process.

Clause does not require de novo Judicial review of the factual conclusions of the State Career Link, et al regulatory of its County Program of the Dept of welfare or other Agencies Nor does the 14th Amend Prohibit a State from Conferring upon non Judicial bodies Certain functions that may be called Judicial or from delegating to a Court Power that are legislative in nature also See Case, Railroad Comm'n V. Rowan & Nichols Oil Co, 311 U.S. 570 1941 Oil field Proration order Damage loss of such as Plaintiff Damage loss which the Civil Suit Support Plaintiff business livelihood. the Court should not second guess regulatory Commissions in evaluating expert testimony from Plaintiffs Stand Point of his witness on his original Complaint.

the Court Action will Proves efficient to a Particular hardship on a particular litigant Corey Harris Family own business Perpetuates or Supplants ancient forms of procedure base on Judicial Power See case, Mistretta V. United States, 488 U.S. 361-97 (1989) Plaintiff motion the Court to used Special division of the United States Court on its appeals for the

District of Columbia Circuit under the Ethics in Government Act like the Dept of Public Welfare Partnership with the defendants, et al, In respect to the independent Party of the Plaintiff as Family Business Corey Harris owner were administrative of his own business Start-Up, base on Plaintiff hardship, this is sufficient information to suggest that there is some recognized legal theory upon which relief can be granted. Plaintiffs Confinement was a reason or lack of to Rule 56(e) Party's response by affidavits or as otherwise provided in rule 56(e) must set forth specific facts, See 04-369-E and 05-111-E Showing that there is a genuine issue for trial.

the Plaintiff lack of respond to the Summary Judgment affidavit is not appropriate and shall not be entered against the Plaintiff base on his Confinement on a State Program which Acted as if they were a party of the defendant, et al, above Cases 04-369-E State Actor was Protected by the State 11th Amendment Statute, base on the Jurisdiction of the Court RandR should be denied and the Case order for trial Under the Ethics in Government Act.

Additional power were miscellaneous base on the principle that a line exists that the Court or Congress could not cross over. See case, Morrison V. Olson, 487 U.S. 654, 677-685 (1988) William V. United States, 289 U.S. 553, 566 (1933) Also Yakus V. United States, 321 U.S. 414, 467 (1944) Files to Support the Jurisdiction which could become a open door for the Plaintiff in his Civil Case. 04-281-E.

this Case should be heard by the Citizens of the 3rd Class City Code, Do to the Radius of the Program as well as the P.V.C. as a affidavit to the Support of Plaintiff affidavit claims this Case shall be Vested See case Turner V. Bank of North America 4, Dall 4 U.S. 8, 10 (1799) a Neo-Federalist View of Article 3 Separating the two tiers and the Judiciary Act of 1789, 138 U.S. 1499 (1990) this matter is discussed more fully infra Professor Aomar Argues In Part from the text of Article 3 base on the discretion in the other categories of the Court R and R base on Document # 47 the defendants et al work together therefore there are State Actor under this test in case 04-369-E and 05-111-E to Support the Confinement of the Plaintiff See, 05-111-E et al.

Involving those issue See case, Marbury V. Madison 5. U.S. 137 (1803) the Court have expressed the Opinion that Congress Authority is limited to Some degree by the Constitution, Such as by the due process clause so that limitation on Jurisdiction which denied a litigant access to an remedy might be unconstitutional. Plaintiff is Allage that the Court R and R Violates Plaintiff 7th Amendment Right to a Jury trial See, Elsentraeger V. Forrestal 174 F.2d 961, 965-966 D.C. Cir (1949) rev'd on other grounds Sub nom Johnson V. Elsentraeger, 339 U.S. 763 (1950) the Court have expressed the opinion that Authority is limited to Some degree See, Mayor V. Cooper 6 wall 73 U.S. 247, 252 (1868) base on the Plaintiff Individual Income taxes of Income base on the Section F of Page 10 R and R Securities Exchange Act Section 10-b-5, In Support of Plaintiff Income on business of CH'S Service Provider, the Jurisdiction of business trade or Profession Carried on by Plaintiff family own business within its borders See, Plaintiff Exhibit 44, of Affidavit on Resume, base on the Court R and R about Plaintiff not a Lawyer. Plaintiff States that he is a Civil engineer who's Supervises the operation of Vehicles dealing with the Construction of CH'S Service Provider transportation

Jurisdiction in this case of residents is founded upon the right and privileges incident to domicile and in the case of non residents upon dominion over the receiver of the income or property or Activity from which it is derived and upon the obligation to contribute to the support of a Gov, which renders Collection Taxes of Income Jurisdiction by Consent of Conduct. Plaintiff Amend on the 4th and 5th Amend should be granted by the Court document #51 Page 3 as well as the 14th Amend document #51 Page 4. See Murray v. Vaughn, 300 F. Supp. 688 694-695 Dri (1969).

the Plaintiff documents is not miscellaneous documents See, Mitchell v. Maurer, 293 U.S. 237 (1934) American State Papers miscellaneous documents whether a districting Plan drawn up and ordered into effect by the defendants in 2002 effected by a federal district Court base on the defendants State and federal Grants of Job Access in Year 2002 to Present from Plaintiff Program in 2000 to Present. base on the Supreme Court had No occasion to Consider the question See Turner v. Bank of North American 4 Dall 4. U.S. 8 (1799)

the U.S. district court should not grant the magistrate Judge's report and recommendation do to the importance of the citizens of Erie County PA. also base on the Plaintiff Program and the Job Creation and base on 3rd class City code laws, in support of federal dollars the court may not violate due process under fundamental right of any citizen personal right protected by the Constitution the court's R and R violate Plaintiff rights to a jury trial reasserting the fundamentality of Plaintiff possibly of bankruptcy in context base on the enforcement of the Law See Case Metropolitan Washington Airports Auth V. Citizen's for the Abatement of Airport Noise, 501 U.S. 252 (1991) the court R and R should be denied by the Honorable Court. the court report violates Section 6 and Section 8 of the U.S. Constitution the power to tax and spend kinds of taxes permitted 4th and 5th eminent domain Spending for the General welfare Scope of the power under Section 8 Social Security Act and unrestrained federal spending power Conditional grants In Aid 14th Amendment Judicial enforcement beginning with Buckley V. Valeo, 424 U.S. 1, 109-143 (1976) the issue is a right to a jury trial 7th Amc See Marathon Pipeline Co. 458 U.S. 50 (1982)

CONCLUSION

the Plaintiff States that the report Violates Section 6, Right and disabilities of member for the Purposes of taxation Promotion of business Protective tariff.

for the foregoing reasons, It is respectfully recommended that the motion to dismiss filed by the defendants, et al, be denied by the Court. Plaintiff Prays that the Court Grant this motion of objection and order this case for trial by Jury. 7th Amendment Right.

Certificate of Service

I hereby Certify that on this 9th day of March, 2006 a copy of the foregoing objection was Send Via mail by the U.S. Postal Service to the following:

CC: Matthew W. Fuchs
Richard A. Lanzillo
Kemal Alexander Mericli
Tracey Bowes

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